

JAP:RTP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

M 12-0360

C O M P L A I N T

(T. 21, U.S.C. § 846)

MUDRIK MWINYI MAJAALIWA

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

PETER MAY, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), duly appointed according to law and acting as such.

Upon information and belief, on or about and between April 4, 2012, and April 10, 2012, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MUDRIK MWINYI MAJAALIWA, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a substance containing heroin, a Schedule I controlled substance, in violation of Title 21 U.S.C. § 841(a)(1).

(Title 21, United States Code, Section 846).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this affidavit is merely to establish probable cause, I have not set forth all of the facts and

1. On or about April 7, 2012, a cooperating witness ("CW") arrived at John F. Kennedy International Airport ("JFK") in Queens, New York, aboard a flight from Dar Es Salaam, Tanzania via Amsterdam, Holland. A Customs and Border Protection officer selected CW for an enforcement exam. When asked about the purpose of his trip, CW stated that he was coming to the United States for a vacation and would be staying with his friend "Omar." However, CW had a reservation for a motel in the Bronx and could not provide any contact information for "Omar."

2. Upon further questioning, CW voluntarily stated, in sum and substance and in part, that he had ingested narcotics. CW consented to an X-ray being taken of his intestinal tract at the JFK medical facility. While waiting for the doctor to take the x-ray, CW requested to use the bathroom and passed 22 pellets, one of which was probed to reveal a white powdery substance that field-tested positive for the presence of heroin. An x-ray of CW's intestinal tract was then taken at the JFK medical facility. The x-ray revealed the presence of additional foreign bodies.

3. CW was placed under arrest. CW was read and waived his Miranda rights. CW subsequently agreed to cooperate with DEA agents. CW stated, in sum and substance, that on or about April 4, 2012, in Dar Es Salaam, Tanzania, the defendant

circumstances of which I am aware.

MUDRIK MWINYI MAJAALIWA gave him heroin in the form of 100 "bullets" in order to transport the heroin into the United States. CW told agents that he had imported narcotics into the United States for the defendant on four prior occasions. CW told agents that he swallowed the "bullets" of heroin on or about April 4, 2012. The CW stated that the defendant purchased an airline ticket for him to travel from Tanzania on April 6, 2012, that was scheduled to arrive at JFK on April 7, 2012. The CW stated that the defendant gave him a travel itinerary and that once he arrived at JFK, he was to then go to the motel listed on the itinerary, present the itinerary to the motel staff, and go to the room that had been booked for him. The motel listed on the itinerary is the Howard Johnson Express Bronx located at 1922 Boston Road in Bronx, NY. The CW further stated that while in Tanzania, the defendant provided him with a telephone number, (206) 372-0099, and that CW was to call that number when he arrived at the motel. The number was stored in CW's cellphone under the name "Mudrik2." The CW told agents that the defendant agreed to pay him \$20,000 for importing the narcotics.

4. The CW further stated that the defendant MUDRIK MWINYI MAJAALIWA told him that he was planning to depart Tanzania for the United States on or about April 4, 2012, and arrive in the United States on April 5, 2012. Travel records obtained from Immigration and Customs Enforcement confirm that the defendant

MUDRIK MWINYI MAJAALIWA arrived in Seattle, Washington from Tanzania via Dubai on April 5, 2012.

5. On or about April 9, 2012, while at the JFK medical facility and under the direction of DEA agents, CW placed a recorded call to the telephone number (206) 372-0099 that the defendant MUDRIK MWINYI MAJAALIWA had instructed him to call. CW informed agents that he left a voicemail for the defendant MUDRIK MWINYI MAJAALIWA in the Swahili language telling him that he had arrived in the United States and to call him back. Immediately thereafter, the defendant MUDRIK MWINYI MAJAALIWA returned the CW's call from the (206) 372-0099 number. This call was also recorded.^{2/} During that call, the CW told the defendant that he had arrived in the United States but that he had missed his connecting flight in Amsterdam and that he had taken a flight to Washington, D.C. The CW informed agents that the defendant MUDRIK MWINYI MAJAALIWA instructed him to come to New York and to the Howard Johnson Express Bronx motel the next morning, April 10, 2012. The CW further told agents that the defendant told him that he (the defendant) would meet the CW at the motel the morning of April 10, 2012. During the call, the CW also told the defendant that he had already passed 17 pellets of heroin. The defendant instructed the CW to re-swallow the pellets.

^{2/} The CW spoke to the defendant in Swahili. This conversation has not been formally translated and transcribed at this time.

6. On the morning of April 10, 2012, DEA agents went to the Howard Johnson Express Bronx motel. DEA agents observed the defendant MUDRIK MWINYI MAJAALIWA exiting the motel lobby while talking on his cell phone. Agents approached the defendant MUDRIK MWINYI MAJAALIWA, identified themselves as law enforcement, and told the defendant that he was under arrest. At the time of his arrest, the defendant MUDRIK MWINYI MAJAALIWA was in the possession of a white Nokia cell phone with the telephone number (206) 372-0099.

WHEREFORE, your deponent respectfully requests that the defendant MUDRIK MWINYI MAJAALIWA be dealt with according to law.


Peter May
Special Agent
Drug Enforcement Administration

Sworn to before me this
10th day of April, 2012

THE HONORABLE VIKTOR POHORELSKY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK